

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

MARLIN WILLIAMSON

v.

JOHN BAXTER, et al.

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**Civil Action No. 1:14-0101
Judge Haynes/Knowles**


REPORT AND RECOMMENDATION

The undersigned previously entered an Order on October 29, 2015 (Docket Entry No. 75), requiring Plaintiff to file with the Court a written explanation showing cause for his failure to serve Defendant Wendy Ashe within 120 days after the filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiff to file such explanation within twenty (20) days of the date of entry of the Order, and it also stated in pertinent part, "If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice."

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court's previous Order. On April 3, 2015, the Plaintiff did have the summons issued to Defendant by the Clerk's Office, however, on April 22, 2015, the summons was returned unexecuted. Docket No. 34. More than six (6) months have passed, and there is no indication the defendant was ever served. Therefore, the undersigned recommends that this defendant be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have

fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. CLIFTON KNOWLES
United States Magistrate Judge